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Attorneys for Plaintiff
 VNUS Medical Technologies, Inc.

(additional counsel on signature page)

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,)	CASE NO. C05-02972 MMC (JL)
)	
Plaintiff,)	
)	[PROPOSED] ORDER AND JOINT
v.)	STIPULATION OF DISMISSAL OF
)	DEFENDANTS DIOMED HOLDINGS,
DIOMED HOLDINGS, INC., DIOMED)	INC. AND DIOMED INC.
INC., ANGIODYNAMICS, INC., and)	
VASCULAR SOLUTIONS, INC.,)	
)	
Defendants.)	Judge: Hon. Maxine M. Chesney
)	
)	
)	

The parties hereby stipulate, by and through their respective counsel, that defendants Diomed Holdings, Inc. and Diomed Inc. (together, "Diomed") be dismissed with prejudice from this action pursuant to Federal Rule of Civil Procedure 41(a)(1). The parties further stipulate to the dismissal with prejudice, pursuant to Federal Rule of Civil Procedure 41(c), of the counterclaims asserted by the Diomed defendants against plaintiff VNUS Medical Technologies, Inc. Each party will bear its own costs and attorneys' fees.

Since Diomed was the sole remaining defendant in this action following the dismissal of defendants AngioDynamics, Inc. and Vascular Solutions, Inc. by order dated June 6, 2008 (D.I. 646), the parties request that the Court enter an order closing the action for all purposes.

1 Dated: October 23, 2008

ATTORNEYS FOR PLAINTIFF
VNUS MEDICAL TECHNOLOGIES, INC.

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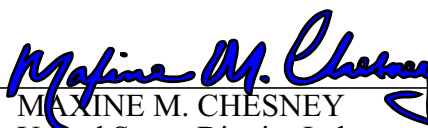
7 Dated: October 23, 2008

ATTORNEYS FOR DEFENDANTS
DIOMED HOLDINGS, INC. and DIOMED,
8 INC.

9
10 /s/ Michael A. Albert
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15
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: October 27, 2008

19 
20 MAXINE M. CHESNEY
United States District Judge